

House File 161

H-1007

1 Amend House File 161 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. Section 147.136A, subsection 2, Code 2023, is
5 amended to read as follows:

6 2. The Subject to subsection 4, the total amount recoverable
7 in any civil action for noneconomic damages for personal injury
8 or death, whether in tort, contract, or otherwise, against a
9 health care provider shall be limited to ~~two hundred fifty~~
10 ~~thousand~~ five million dollars for any occurrence resulting
11 in injury or death of a patient regardless of the number of
12 plaintiffs, derivative claims, theories of liability, or
13 defendants in the civil action, ~~unless the jury determines that~~
14 ~~there is a substantial or permanent loss or impairment of a~~
15 ~~bodily function, substantial disfigurement, or death, which~~
16 ~~warrants a finding that imposition of such a limitation would~~
17 ~~deprive the plaintiff of just compensation for the injuries~~
18 ~~sustained.~~

19 Sec. 2. Section 147.136A, Code 2023, is amended by adding
20 the following new subsections:

21 NEW SUBSECTION. 4. The limitation on damages contained
22 in subsection 2 shall increase by two and one-tenth percent
23 on January 1, 2028, and each January 1 thereafter. In any
24 civil action described in this section, such limitation on
25 damages shall be the amount effective at the time of the
26 occurrence. The commissioner of insurance shall publish the
27 amount of the limitation on damages contained in this section
28 on the insurance division's internet site and shall update the
29 published amount annually.

30 5. Until January 1, 2028, an insurance carrier that writes
31 medical malpractice insurance in this state shall not increase
32 the premium paid by, charged to, or offered to any health care
33 provider for medical malpractice insurance as of July 1, 2023.
34 On January 1, 2028, an insurance carrier that writes medical
35 malpractice insurance in this state may increase the premium

1 paid by, charged to, or offered to any health care provider
2 for medical malpractice insurance as of July 1, 2023, by no
3 more than two and one-tenth percent, and may increase such
4 premium by no more than two and one-tenth percent each January
5 1 thereafter. The commissioner of insurance shall approve any
6 premium increase proposed by an insurance carrier under this
7 subsection prior to the premium increase being imposed on a
8 health care provider. For the purpose of this subsection,
9 "*medical malpractice insurance*" means the same as defined in
10 section 519A.2.

11 Sec. 3. APPLICABILITY. This Act applies to causes of action
12 that accrue on or after the effective date of this Act.>

13 2. Title page, line 1, after <against> by inserting <and
14 medical malpractice insurance of>

15 3. Title page, line 2, by striking <effective date and>

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